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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 29, 2001

APPLICATION OF

RAPPAHANNOCK ELECTRIC COOPERATIVE

CASE NO. PUE010007

For approval of a functional  
separation plan

ORDER PERMITTING ADDITIONAL TIME FOR DISCOVERY

On August 3, 2001, AES New Energy, Inc. ("AES NewEnergy"), filed a request with the State Corporation Commission ("Commission") for additional time for discovery in this matter, and thereafter an opportunity for further comments and reply comments. AES NewEnergy stated that the awarding of additional time for discovery would eliminate the need for a hearing in this matter.

On August 7, 2001, the Commission issued an order permitting Rappahannock Electric Cooperative ("Rappahannock") and Staff an opportunity to respond by August 14, 2001, to the request of AES NewEnergy. AES NewEnergy was permitted to reply to any responses filed on or before August 20, 2001.

On August 14, 2001, Rappahannock filed its response arguing that AES NewEnergy had not participated in a timely manner even though time for discovery was allowed in the procedural schedule established in this matter, and therefore that the request

should not be granted. Rappahannock requests that, should the Commission decide to grant AES NewEnergy's request, additional discovery requests and opportunity for further comment be limited, and that there be assurances that there will be no requirement for a hearing. Also on August 14, 2001, Staff filed a response stating that it has no objection to AES NewEnergy's request as long as it is given the opportunity to comment on any further comments received from AES NewEnergy and Rappahannock.

On August 22, 2001, AES NewEnergy filed a motion to file its response out of time and its response. In support of its motion, AES NewEnergy states that it did not receive Rappahannock's response until immediately prior to the deadline, and that Rappahannock and Staff will not be prejudiced by the Commission's acceptance of AES NewEnergy's response out of time. In its response, AES NewEnergy argues that the procedure suggested by it will eliminate any need for a hearing on this matter, and will facilitate the complete development of all issues surrounding Rappahannock's functional separation proposal.

NOW THE COMMISSION, upon consideration of the comments of Rappahannock, Staff, and AES NewEnergy, is of the opinion that AES NewEnergy should be granted additional time for discovery. We expect Rappahannock to provide prompt and complete responses to AES NewEnergy's interrogatories and requests for production

of documents. Further, we will permit additional comments and reply comments to be filed.

In its request, AES NewEnergy stated that the awarding of additional time for discovery would eliminate the need for a hearing in this matter. Therefore, because we herein grant AES NewEnergy's request for additional time, we will consider AES NewEnergy's request for hearing to be withdrawn.

Accordingly, IT IS ORDERED THAT:

(1) AES NewEnergy's request for additional time for discovery in this matter, and thereafter an opportunity for further comments and reply comments, is granted.

(2) AES NewEnergy's motion to file out of time its reply to Rappahannock's response is granted.

(3) AES NewEnergy shall be permitted to conduct further discovery in this matter until September 21, 2001.

(4) AES NewEnergy may file additional comments on Rappahannock's functional separation application on or before October 5, 2001.

(5) Staff may respond to additional comments filed by AES NewEnergy on or before October 12, 2001.

(6) Rappahannock may reply to AES NewEnergy's and Staff's additional comments on or before October 19, 2001.

(7) AES NewEnergy's request for a hearing filed in this matter is considered withdrawn.

(8) This matter is continued generally for further orders of the Commission.